

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Christopher Lovett Burkes, #272240,)	C/A No.: 1:16-2532-BHH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Warden Joseph McFadden,)	
)	
Respondent.)	
)	

Christopher Lovett Burkes (“Petitioner”), an inmate housed at Lieber Correctional Institution, proceeding pro se, brought this action seeking habeas corpus relief under 28 U.S.C. § 2254. On July 15, 2016, the Court ordered Petitioner to pay the five dollar (\$5) filing fee for a habeas corpus action or complete and return the attached Form AO 240 (application to proceed in forma pauperis). (ECF No. 5.) Petitioner was warned that failure to provide the necessary information within a specific time period would subject the case to dismissal. *Id.* Petitioner failed to respond. On August 12, 2016, the Court sent a second order asking Petitioner to pay the five dollar (\$5) filing fee for a habeas corpus action or complete and return the attached Form AO 240. (ECF No. 10.) Petitioner was again warned that failure to provide the necessary information within a specific time period would subject the case to dismissal. *Id.* The time for a response expired on September 6, 2016, and Petitioner did not respond. As Petitioner has failed to prosecute this case and has failed to comply with an order of this Court, the case is **dismissed *without prejudice*** pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S.

626 (1962).

IT IS SO ORDERED.

September 9, 2016
Greenville, South Carolina

/s/Bruce Howe Hendricks
Bruce Howe Hendricks
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.